

Attorney Docket No. P13148

REMARKS/ARGUMENTS**1.) Claim Amendments**

The Applicant has amended claims 1, 2, 5, 9-11, and 17. Claims 14-16 and 20-32 have been previously canceled. Accordingly, claims 1-13, 17-19, and 33-34 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Rejections – 35 U.S.C. § 112

The examiner rejected claim 1 because "The claims(s) contain subject matter "multicall capacity" which was not described in the specification in such as way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Solely, in order to expedite the allowance of this application, the Applicant has amended claim 1 in response to this rejection. Specifically, claim 1 now states:

1. A method for exchanging multicall capabilities between user equipment and a network in a radiocommunication system comprising the steps of:

receiving, from said user equipment to said network, bearer limit information associated with said user equipment;

calculating, in said network, multicall limit information based on said bearer limit information associated with said user equipment and multicall information associated with said network; and

returning, to said user equipment, said multicall limit information.

Support for this amendment may be found in the Specification at page 5, lines 3-18, page 8, line 23, page 13, lines 24-26, and page 9, lines 6-10.

3.) Claim Rejections – 35 U.S.C. § 102(e)

The examiner rejected claims 1-10, 12-13, 17-19 and 33-34 under 35 U.S.C. § 102(e) as being anticipated by Lopez-Torres (US 6,144,647). The Applicant respectfully traverses this rejection.

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As explained in a previous amendment, to avoid any confusion which might exist in terminology, the Applicant has amended the claims to make clear that "multicall capability" refers to the bearer limit of a unit. Thus, claim 1 now states:

1. A method for exchanging multicall capabilities between user equipment and a network in a radiocommunication system comprising the steps of:

receiving, from said user equipment to said network, bearer limit information associated with said user equipment;

calculating, in said network, multicall limit information based on said bearer limit information associated with said user equipment and multicall information associated with said network; and

returning, to said user equipment, said multicall limit information.

This is in contrast to Lopez-Torres. For instance, the cited reference from Lopez-Torres is reproduced below:

a) sending a multi-dialogue call set-up message from the first subscriber station to said Mobile Services Switching Center indicating the number of concurrent single dialogues *to be set up*;

It is now clear that this passage cannot read on the step of "receiving . . . multi-capability information" or as amended "receiving . . . bearer limit information." A request for a multi-dialogue call set up is not the same as sending information about the capacity or maximum limit of the user equipment. There is no indication in Lopez-Torres that the cited passage refers to the bearer limit of the user equipment. The cited passage from Lopez-Torres simply discloses a request for a multi-dialogue call, which is not a reference to the bearer limit of the user equipment.

To the extent that this rejection is still applicable, the Applicant also respectfully asserts that the step of "calculating, in said network, multicall limit information" is disclosed by Lopez-Torres. The examiner states that mapping corresponds to "calculating." The Applicant respectfully disagrees. "Mapping" as defined by several on-line glossaries and Newton's Telecom Dictionary is:

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mapping - in network operations, the logical association of one set of values, such as addresses on one network, with quantities or values of another set such as devices on another network. (e.g., name-address mapping, Internetwork-route mapping and protocol-to-protocol mapping.¹

The term "Calculation" on the other hand may be ascertained by the specification. For example, the specification on page 9, lines 6-10 states:

The limit calculation unit LCU 210 then calculates the actual limit, i.e., the largest number of bearers of any of the three involved entities, taking into account the limit information of the serving network entity MSC/VLR, the limit information of the involved radio access network entity stored in the serving network storage unit MSU and the limit information provided by the UE.

Thus, it is clear that as the terms are commonly used and as the terms are used in the specification, the term "mapping" is not the same as the term "calculating." Although the mapper in Lopez-Torres may be more than a simple table lookup routine, nothing in Lopez-Torres indicates the step of "calculating, in said network, multical limit information based on said bearer limit information associated with said user equipment and multical information associated with said network." Therefore, it is respectfully submitted that Lopez-Torres does not teach the step of "calculating, in said network, multical limit information based on said bearer limit information associated with said user equipment and multical information associated with said network." Claim 1, therefore contains elements not found in Lopez-Torres. Consequently, the Applicant respectfully requests that the §102 rejection be withdrawn.

Claim 2 states:

2. The method of claim 1, wherein said network includes a mobile switching center (MSC) and a radio network controller (RNC), each of which perform functions associated with radiocommunication support of said user equipment, said method further comprising the steps of:
determining bearer limit information associated with said RNC; and
using said bearer limit information associated with said RNC to calculate said multical limit information.

¹ See Newton's Telecom Dictionary, 14th Edition (Attachment 1) or one of any numerous telecom glossary websites, such as <http://www.breakthrutraining.com/pages/glossary/m.php>.

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Lopez-Torres has also been cited for disclosing the step of "determining multicall capability information" (Lopez-Torres, col. 2, lines 45-57). The cited passage is reproduced below:

The visitor location register VLR is a data base used by the PLMN to dynamically store information about mobile subscribers, for example the location area where the subscriber is located or is roaming. The VLR also contains information to handle mobile originating and terminating calls. A base station controller BSC is a node that controls various base transceiver stations BTS and performs radio network management. The base transceiver station BTS is the node that handles the radio traffic in any one cell to the mobile stations MS1, MS2, . . . MSn via an air-interface, i.e. communication channel or traffic channel CC1. Such an interconnection of HLR, VLR, MSC and a base station system is also disclosed in DE 44 15 734 C1.

The above passage certainly does not read on "determining bearer limit information associated with said RNC." Nothing in this passage, nor anywhere else in Lopez-Torres discloses "determining bearer limit information" associated with an RNC or BSC. Although responding to the *requested* multicall information may have been disclosed, the step of "determining bearer limit information" associated with an RNC or BSC is not taught by Lopez-Torres. Claim 2, therefore contains elements not found in Lopez-Torres. Consequently, the Applicant respectfully requests that the §102 rejection be withdrawn.

Claim 3 states:

3. The method of claim 2, wherein said step of receiving further comprises the step of:
receiving an indication of a maximum number of bearers supported by said user terminal.

The examiner states that the "receiving an indication of a maximum number of bearers supported by said user terminal" can be found in Lopez-Torres at col. 12, lines 16-25. The Applicant respectfully disagrees. The cited passage is reproduced below:

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This means that in a method for performing a multi-dialogue communication, the mapping means MP for example first receives a multi-dialogue call set-up request from a subscriber, *containing a number of sets of bearer capabilities* and optionally high layer compatibility information regarding each of the single-dialogues to be performed concurrently, as well as a multi-dialogue call indicator, indicating that a multi-dialogue call is requested.

The Applicant fails to understand how the above passage reads on "receiving an indication of a maximum number of bearers supported by said user terminal." Nothing in this passage, nor anywhere else in Lopez-Torres discloses anything about "a maximum number of bearers" supported by the user terminal. The above passage simple refers to the number of sets of bearer capabilities for the *requested* calls – which is not the same as the maximum number of bearers which can be supported by the user terminal. (The term "bearer capability" commonly refers to a field in an ISDN call setup message that specifies the speed at which data can be transmitted over an ISDN line.² Thus, the term "bearer capability has nothing to do with multicall capacity.) Claim 3, therefore contains elements not found in Lopez-Torres. Consequently, the Applicant respectfully requests that the §102 rejection be withdrawn.

Claims 4-10, 12-13, 17-19, and 33-34 depend from amended claim 1 and recite further limitations in combination with the novel elements of claim 1. Therefore, the allowance of claims 2-13, 17-19 and 33-34 is respectfully requested.

4.) Claim Rejections – 35 U.S.C. § 103(a)

The examiner rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Lopez-Torres and further in view of Spartz, et al. (US 6,178,337). The Applicant respectfully traverses this rejection.

As discussed above, amended claim 1 contains elements which are not found in Lopez-Torres. As provided in MPEP § 2143, "[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." Furthermore, under MPEP § 2142, "[I]f the examiner

² See the telecom glossary at: <http://www.cnp-wireless.com/glossary.html>;
http://resource.intel.com/telecom/support/documentation/unix/SR50_linux/html_files/gcap/0387-07-136.html (Attachment 2 and 3)

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does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness." It is submitted that the Spartz does not provide the missing claim limitations as discussed above. Consequently, the Office Action does not factually support a prima facie case of obviousness for claim 11 based on Lopez-Torres. The Applicant, therefore, respectfully requests that this rejection be withdrawn.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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